

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

RODERICK D. MCGEE,)	
)	
Plaintiff,)	Civil Case No. 1:12-CV-260
v.)	
)	Judge Curtis L. Collier
OFFICER WILLIAMS McMILLAN AND)	
OFFICER JAMES AVERY,)	
)	
Defendants.)	

O R D E R

Plaintiff Roderick D. McGee (“Plaintiff”), proceeding *in forma pauperis*, moved to amend his complaint to add Sgt. Chris Haney and Deputy Ryan Epperson, both of the Hamilton County Sheriff’s Office, as defendants (Court File No. 47). Magistrate Judge William B. Mitchell Carter issued a Report and Recommendation (“R&R”) recommending the Court grant in part and deny in part Plaintiff’s motion to amend (Court File No. 49). Specifically, the Magistrate Judge recommended the Court (1) allow Plaintiff to add Deputy Epperson as a defendant on the ground that Plaintiff alleges Deputy Epperson used excessive force against him by using ammonia capsules on him on September 12, 2012, and (2) deny as futile Plaintiff’s addition of Sgt. Haney as a defendant because Plaintiff includes no factual allegations relating to Sgt. Haney.

No party has filed an objection to the R&R, and the fourteen-day period for doing so has lapsed. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s R&R (Court File No. 49) and **GRANTS IN PART** and **DENIES IN PART** (Court File No. 47). That is, the Court (1) allows Plaintiff to add Deputy Ryan Epperson as a defendant and (2) does not allow Plaintiff to added Sgt. Chris Haney. The United States Marshal is **DIRECTED** to serve Deputy Ryan Epperson

with process upon receipt of a service packet from the plaintiff.

SO ORDERED.

ENTER:

/s/

**CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE**